

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 24-44 and 53 are currently pending. Claims 24, 26, 35, 36, and 53 are independent. Claims 34, 35, and 53 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. OBJECTIONS TO THE SPECIFICATION

The Office Action, in paragraph 6, objected to the title of the application.

The title of the application has been amended herein to overcome the objection.

Applicants respectfully request withdrawal of this objection to the specification.

The Office Action, in paragraph 7, objected to par. [0037] in the published application.

Paragraph [0037] has been amended as shown herein above to overcome the objection.

Applicants respectfully request withdrawal of this objection to the specification.

### III. OBJECTIONS TO THE CLAIMS

Claims 24 and 53 were objected to for typographical and procedural errors.

Claims 24 and 53 are amended herein above to overcome the objections.

Applicants respectfully request withdrawal of these objections to the claim.

### IV. REJECTIONS UNDER 35 U.S.C. §102

Claims 24-44, and 53 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,174,382 to Ramanathan et al. (hereinafter, merely “Ramanathan”).

Applicants respectfully traverse this rejection.

#### CLAIM 24

Independent claim 24 recites, *inter alia*:

“receiving a connection update from said joining peer system indicating to which member peer systems said joining peer system is connected.”

As understood by the Applicants, Ramanathan describes a system wherein peers monitor responses received from other peers in a peer-to-peer (P2P) network to requests for information and rate the responding peers on their ability to provide information of interest. When a responding peer is discovered to frequently provide good results, the requesting peer attempts to move closer to the responding peer by creating a direct connection with that peer and thereby promote clusters of peers with similar interests.

In contrast, claim 24 claims the steps used by a peer when joining a P2P network. In particular, claim 24 recites, “receiving a connection update from said joining peer system

indicating to which member peer systems said joining peer system is connected.” That is, the joining peer selects a member of an existing P2P network with which to connect. When the joining peer connects to the member of a P2P network, a message is received from the joining peer that indicates to which peer the joiner has connected. Publ. App. par. [0072] and FIG. 6.

The Office Action points to Ramanathan, col. 6, lines 63-67, for the above cited feature of claim 24. However, at the cited location, Ramanathan states:

“Also, the probing node preferably should update its peer list to include the accepting peer's address (if not already included) not only as a possible candidate for future probes and connections, but also so that a local record of its importance may be maintained.” (emphasis added).

That is, Ramanathan is only describing that the peer that is joining the network (the probing node) updates its own peer list with the address of the member peer that has accepted the connection. There is no suggestion the probing peer sends a message with the new connection so another receives the message and can maintain the updated P2P grid.

Claim 24 is patentable over Ramanathan because that reference does not disclose each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 24, independent claim 35 is also believed to be patentable.

#### CLAIM 26

Independent claim 26 recites, *inter alia*:

“receiving a join response from at least one of said one or more member peer systems, wherein each join response is positive or negative . . . a negative join response indicates the sending member peer system does not have an available connection.”

Thus, in an aspect of the present invention, each join response is positive or negative with a negative response indicating to the joining peer the responder does not have an available connection. That is, the joining peer does not only receive positive responses to the join request sent to the member peers but also receives a negative response when the responder does not have an available connection.

The Office Action points to Ramanathan, col. 6, lines 59-62 for the above recited element of claim 26. However, at the cited location, Ramanathan only discloses the probing peer receiving an AcceptConnection message. There is no suggestion the probing peer receives a negative response from a member peer. Indeed, the implication in Ramanathan is the probing peer receive an AcceptConnection or receives nothing from a member peer.

Claim 26 is patentable over Ramanathan because that reference does not disclose each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 26, independent claims 36 and 53 are also believed to be patentable.

## **V. DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

Claims 24-44, and 53 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.


Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: \_\_\_\_\_

  
Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800